

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

ACTV8, Inc.,

Defendant.

CASE NO. 6:12-CV-582 MHS

CONSOLIDATED CASE

Jury Trial Demanded

ORDER OF DISMISSAL WITHOUT PREJUDICE OF ACTV8, INC.

Pursuant to Fed. R. Civ. P. 41(a), recognizing the Agreed Motion to Dismiss filed by Plaintiff Blue Spike, LLC and Defendant ACTV8, Inc. pursuant to a settlement of the above-captioned litigation between the parties, it is ordered as follows:

ORDERED that the claims asserted herein by Plaintiff Blue Spike, LLC against Defendant ACTV8, Inc. be, and hereby are, dismissed without prejudice; that the counterclaims and defenses asserted herein by Defendant ACTV8, Inc. against Plaintiff Blue Spike, LLC be, and hereby are, dismissed without prejudice; and that the parties shall bear their own attorney's fees, expenses and costs.